



Chinese Human Rights Defenders (CHRD)

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Promoting human rights and empowering grassroots activism in China

The Perils of Defending Rights

A Report on the Situation of Human Rights Defenders in China (2006)

Chinese Human Rights Defenders (CHRD)

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Introduction

The situation human rights defenders faced in China continued to deteriorate in 2006. Officials have increasingly tried to limit the impact of China's growing community of human rights defenders, who have therefore become targets of government persecution, retaliation, intimidation, and surveillance, to the point that their personal freedom and safety are threatened. However, in 2006, more Chinese citizens became aware of their rights as they were exposed to rights abuses in their daily life – from forced evictions to brutal beatings of petitioners, from land grabs to closure of schools for migrants' children. As more citizens take part, the community of nongovernmental human rights defenders has grown stronger.

From January to December 2006, Chinese human rights defenders have suffered harassment and constant surveillance from the police. They have been taken into custody for interrogation, placed under residential surveillance or house arrest, monitored in their homes and through their personal correspondence (particularly telecommunications) by the heavy deployment of cyber-police, detained or jailed, or tailed by security agents. Almost all had their computers bugged or their Internet/phone use monitored. Many suffered police searches of their private residences and loss of personal belongings to illegal confiscation. Some were severely beaten by unidentified persons thought to be linked to officials. Several were sentenced to jail.

Attacks on human rights activists worsened, and there were several apparent patterns in 2006, as the following examples illustrate:

- *Brutal repression of mass actions to defend land rights in rural areas:* The farmer, Huang Weizhong, from Putian in Fujian Province was imprisoned for representing local farmers in petitioning and submitting appeals to authorities to demand protection of land rights. He was found guilty by Putian Court of “assembling a crowd to disturb social order” and was sentenced to three years imprisonment.
- *Retaliation against rights defenders with imprisonment based on trumped-up charges:* The rural “barefoot lawyer,” Chen Guangcheng, from Linyi in Shandong Province, who provided legal assistance to villagers seeking redress for violations of human rights in the



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implementation of the one-child policy, was charged with “intentionally damaging property” and “assembling a crowd to disrupt traffic” by the Yinan County Court and sentenced to four years and three months imprisonment. Zeng Jianyu, a former elected representative to the local assembly and campaigner for environmental and other rights in Lu County, Sichuan Province, was convicted of “fraud” and sentenced to three years in jail. Mao Hengfeng, an activist for housing rights and women’s right to reproductive freedom in Shanghai was convicted of “vandalizing public property” and sentenced to two and a half years in prison. The Guangdong-based writer/activist Yang Maodong (Guo Feixiong) has been detained without trial on charges of “engaging in illicit business activities” since September 2006.

- *Intimidating and persecuting human rights lawyers:* The Beijing lawyer, Gao Zhisheng, was convicted of “inciting subversion of the state” by the Beijing No. 1 Intermediate Court and sentenced to three years imprisonment with a five-year suspended sentence. Xi’an lawyer Zhang Jiankang and Guangzhou lawyers Tang Jingling and Guo Yan all had their licenses to practice law suspended. Beijing lawyers Li Jingsong and Li Fangping were severely injured during an attack by unidentified persons when they went to Linyi, Shandong, to provide legal counsel to the jailed activist Chen Guangcheng in December 2006. Other lawyers who worked on the case, including Xu Zhiyong and Teng Biao, were harassed or detained for questioning by Linyi police.
- *Harassment of NGO activists providing protection and care for victims of abuses or neglect:* The HIV/AIDS activist Wan Yanhai was taken into custody for three days by the Beijing national security police for organizing a conference on “Blood Safety, AIDS, Law and Human Rights.” The conference was shut down. The Shanghai activist for the rights of hemophiliacs, Kong Delin, the Henan HIV/AIDS activist, Li Xige, and the Xinjiang HIV/AIDS and Hepatitis B activist, Chang Kun all have been detained, put under close surveillance, or threatened. The Xinjiang group Snow Lotus, a NGO that focuses on the rights and interests of people with HIV/AIDS, was outlawed by the Xinjiang authorities.



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- *Police surveillance, house arrests, and restricted movements of activists in many cities:* In 2006, the police put many human rights defenders under residential surveillance or house arrest or other forms of monitoring and harassment. Some, such as the Beijing-based activist Hu Jia and other independent writers or outspoken intellectuals, were detained in their homes or monitored for well over half of the year. Activists outside the capital also suffered from this form of harassment, such as the rural activist Yuan Weijing, wife of Chen Guangcheng in Shandong, HIV/AIDS activist Li Xige in Henan and housing rights activist Ma Yalian in Shanghai.
- *Large deployment of police units to harass, stop, detain, and forcibly return petitioners to their places of origin:* Petitioners who try to go to provincial capitals or Beijing to file complaints at the government “letters and visits” offices are frequently intercepted by police and forcibly taken back to their hometowns under guard. They tend to come from remote rural areas with grievances against local officials.

China is emerging as a world economic power and thus becoming more important in international affairs, but its human rights performance including repression against defenders has lagged behind. *The government appears determined to stamp out any sign of discontent and dissent so as to present a happy façade of “social stability” and “social harmony” to the world as the 2008 Summer Olympics draws closer. Some of the moods and patterns of repressive and abusive official acts described in this report may be viewed as rehearsals for the campaign to silence and “clean out” any unwanted elements from Beijing and other cities where international visitors will congregate. The leadership has made this campaign an overriding political priority with a total disregard for its commitments to protect human rights.*

Specifically, as the findings in this investigation of the situation of Chinese human rights defenders demonstrate:



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- The Chinese government has failed to adhere to the human rights protection clause, added to the *Constitution of the People's Republic of China* in 2004, which guarantees respect for and protection of human rights in China;
- The government has failed to honor its commitment to the *Declaration on Human Rights Defenders* (full name: *UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human rights and Fundamental Freedoms*), which China helped draft, voted for in the UN General Assembly, and is thus committed to uphold;
- The government has failed in its obligation, by virtue of UN membership, to honor the *UN Charter* and the *Universal Declaration of Human Rights*, and its obligations to implement through law the protection of economic, social, and cultural rights as a state party to the *International Covenant on Social, Economic, and Cultural Rights* (ratified in 2001). The government has also failed to keep its promise not to act in violation of *International Covenant on Civil and Political Rights* which it signed in 1998 (but has not yet ratified).
- The government has failed in its obligations under other treaties that it has ratified, including the *Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*.

Many government officials display either contempt for or ignorance about international human rights conventions, and a total lack of knowledge of its China's international commitments, CHRD finds. This reflects the grave reality that the government has failed to fulfill its duty of disseminating human rights principles and educate law enforcement, judicial and administrative officials as required by the international human rights conventions that the government has ratified.

However, CHRD finds it encouraging that grassroots actions by Chinese citizens to defend human rights have generated substantial momentum, to the point that there has emerged a nascent civil rights movement, known as the “*wei quan yun dong*” 维权运动 (“rights defense movement”). As with civil rights movements in other parts of the world, it has as its clear objective the promotion and protection of constitutionally-guaranteed rights and human rights. It has a set of tacitly accepted codes of conduct for actors, which are in accordance with respect for basic human rights, such as its adherence to non-violence and its support for social justice and democracy. This



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movement is involving increasingly more citizens from all walks of life in many regions of China.

Chinese human rights defenders' achievements in promoting the protection of the human rights of ordinary citizen can be observed primarily in three areas:

- (1) Providing an unprecedented amount of information about rights conditions from beyond the Capital and major metropolitan areas, thus facilitating better monitoring and advocacy;
- (2) Awakening rights consciousness among ordinary citizens, particularly members of vulnerable and disadvantaged groups; and
- (3) Pushing for systematic changes, using tools made available within the system, but often testing it and exposing its deep defects, thus generating momentums for efforts at reform.

Thus, though human rights and rights defenders met setbacks in 2006, the year is also to be remembered for some success stories in the history of the Chinese human rights movement, including:

- *The increasing use of the Administrative Litigation Law by activists and lawyers to challenge government policies:* Chinese citizens demonstrated a growing willingness to seek protection/redress for their rights through legal procedures. In so doing, their lawsuits often expose defects and loop-holes in the legal system. They are conducive to giving impetus to China's legal reform. A few examples are: a court ruled to remove the restriction on low-emission vehicles on the streets of Beijing after an administrative lawsuit was brought against the government regulation agency; a court ordered a halt to the practice of raising prices of train tickets during the Spring Festival, the most important national holiday when millions of migrants visit their home villages, after lawyers won a collective lawsuit against the railroad authorities; a group of 19 HIV-infected villagers in Heilongjiang Province, who became infected through blood transfusion in state-run hospitals, received compensation after they won an administrative lawsuit seeking compensation.



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- *A nationwide mobilization by activists to run as independent candidates in the 2006-07 elections to the local People's Congress:* A miniscule step in exercising the right of political participation when some independent candidates were able to enter the 2006-07 race for seats in the local People's Congresses, though many more declared candidacy but were prevented from running, and only very few won seats in the local People's Congresses.
- *An unprecedented success in seeking compensation by families of victims of the 1989 repression:* with the help of a local independent group, the family of Zhou Guocong sought compensation for his death. Zhou had been arrested after the suppression of the popular movement and died in custody. In 2006, compensation was finally granted by the Chengdu government in Sichuan Province.